

10-13-06

JFW



JENKINS  
WILSON  
TAYLOR  
& HUNT

patent attorneys

October 12, 2006

RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

BENTLEY J. OLIVE

CHRIS PERKINS, PH.D.

JAMES DALY IV, PH.D.

P. ASHLEY DARDEN

DAVID M. SIGMON

TECHNICAL SPECIALIST  
AMY ODENBAUGH, PH.D.

\*LICENSED ONLY IN CA

\*\*LICENSED ONLY IN KY

\*\*\*LICENSED ONLY IN SC

"Express Mail" mailing number: ED 775634394 US

Date of Deposit: October 12, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Oksana Buynitzky

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/879,279 for  
IN VITRO CAPTURE OF NUCLEIC ACIDS VIA MODIFIED  
OLIGONUCLEOTIDES AND MAGNETIC BEADS  
Our File No. 1392/18/2

Sir:

Please find enclosed in connection with the subject U.S. patent application the following documents:

1. An Amendment Transmittal Form (2 pages);
2. An Amendment D (19 pages); and
3. A return-receipt postcard to be returned to us with the U.S. Patent and Trademark Office filing stamp thereon.

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number **50-0426**.

Respectfully submitted,

JENKINS, WILSON, TAYLOR &amp; HUNT, P.A.

Arles A. Taylor, Jr.  
Registration No. 39,395

AAT/PAD/omb

Enclosures

Customer No: 25297



Practitioner's Docket No. 1392/18/2

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Dace et al.

Group Art Unit: 1639

**Serial No.: 09/879,279**

Examiner: Epperson, Jon D.

Filed: June 12, 2001

Docket No. 1392/18/2

Confirmation No.: 3524

For: IN VITRO CAPTURE OF NUCLEIC ACIDS VIA MODIFIED OLIGONUCLEOTIDES AND  
MAGNETIC BEADS

**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an Amendment D for this application.

**STATUS**

2. Applicant is other than a small entity.

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

---

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. § 1.8(a)**

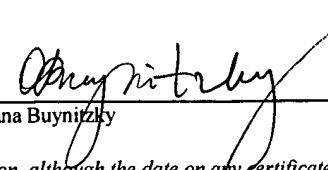
- ☐ with sufficient postage as first class mail.

**37 C.F.R. § 1.10\***

☒ as "Express Mail Post Office to Addressee"

Mailing Label No. **ED 775634394 US** (mandatory)

Date: October 12, 2006

  
Oksana Buynitzky

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## FEE FOR CLAIMS

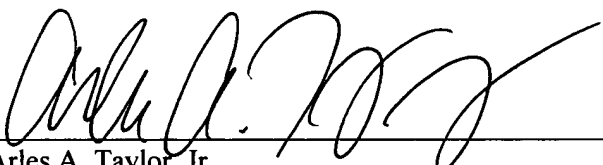
4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	21	- 30	= 0	x \$ 50.00	= \$		0.00
INDEP.	2	- 5	= 0	x \$ 200.00	= \$		0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$		0.00
				TOTAL			
				ADDIT. FEE	\$		0.00

No additional fee for claims is required.

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number **50-0426**.

Date: October 12, 2006

  
 Arles A. Taylor, Jr.  
 Registration No. 39,395  
 Customer No. 25297

AAT/PAD/omb

1392/18/2



"Express Mail" mailing number: ED 775634394 US  
Date of Deposit October 12, 2006  
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450

Oksana Buynitzky

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dace et al.

Group Art Unit: 1639

**Serial No.: 09/879,279**

Examiner: Epperson, Jon D.

Filed: June 12, 2001

Docket No.: 1392/18/2

Confirmation No.: 3524

For: IN VITRO CAPTURE OF NUCLEIC ACIDS VIA MODIFIED  
OLIGONUCLEOTIDES AND MAGNETIC BEADS

\*\*\*\*\*

**AMENDMENT D**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam:

This is responsive to the Official Action dated July 13, 2006, for which the period for response ends on October 13, 2006. Favorable consideration is respectfully requested in view of the following Amendments and Remarks.

**AMENDMENTS**

Please amend the subject application as follows: